

HOUSE BILL 894

L5

2lr0660

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: February 9, 2012
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary District – Unpaid Water and Sewer Charges –**
3 **Collection and Liens**

4 **PG/MC 106–12**

5 FOR the purpose of altering a provision to authorize, rather than require, the
6 collection of a certain unpaid bill for water and sewer services within the
7 Washington Suburban Sanitary District to be collected against the owner of the
8 property served in a certain manner; providing that if a certain bill for water
9 and sewer services within the District is not paid within a certain time period
10 the charges, interest, and penalties constitute a lien in favor of the Washington
11 Suburban Sanitary Commission that extends to certain property and rights to
12 property belonging to a certain person or fiduciary estate; requiring the
13 Commission to file a notice of a certain lien with the clerk of the circuit court for
14 the county in which the property is located; providing that, from the date that a
15 certain lien is filed, the lien has the full force and effect of a judgment lien;
16 providing that the provision of this Act that creates a lien in favor of the
17 Commission may not be construed to invalidate an existing contract between
18 the Commission and a municipality located within the Washington Suburban
19 Sanitary District without the consent of the municipality; and generally relating
20 to the collection of and liens for unpaid water and sewer charges in the
21 Washington Suburban Sanitary District.

22 BY repealing and reenacting, with amendments,
23 Article – Public Utilities
24 Section 25–504
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2011 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Public Utilities**

2 25–504.

3 (a) The Commission:

4 (1) may provide for the billing and collection of the water and sewer
5 usage charges on an estimated basis for periods of 6 months or less, based on the
6 historical daily average consumption calculated from actual previous usage;

7 (2) shall read the meter at least once every 6 months; and

8 (3) (i) shall base the final bill for the 6–month period on the actual
9 consumption adjusted by previous estimates, if the meter had not been read because it
10 was inaccessible;11 (ii) shall base the final bill for the 6–month period on the
12 historical daily average consumption, calculated from actual previous usage, if a final
13 reading cannot be made because:

14 1. the meter malfunctioned;

15 2. the meter had been taken out of service for repairs,
16 maintenance, or water system relining purposes; or

17 3. there was theft of service;

18 (iii) may modify the historical daily average consumption
19 calculation based on appropriate evidence submitted by the owner; and20 (iv) may not base a final bill on estimated usage for two
21 consecutive 6–month periods.22 (b) (1) The Commission shall bill for the amount of water and sewer usage
23 charges to each property served monthly, four times a year, or twice a year, as the
24 Commission determines.

25 (2) On receipt each bill is payable to the Commission.

26 (c) (1) A late payment charge of 5% of the unpaid charges shall be added
27 and collected as part of the bill if:28 (i) the Commission sends out a bill for water and sewer usage
29 charges in the regular course of business;

1 (ii) for a service period of less than 3 months, the bill is not paid
2 20 days from the date of sending; or

3 (iii) for a service period of 3 months or more, the bill is not paid
4 30 days from the date of sending.

5 (2) The late payment charge is in addition to and not in substitution
6 for or derogation of any other right or remedy granted to the Commission by any other
7 law.

8 (d) (1) If a bill is not paid within 30 days after the date of sending, after
9 leaving written notice on the premises or mailing notice to the owner's last known
10 address, the Commission shall turn off the water to the property.

11 (2) The water may not be turned on again until the bill, any late
12 payment penalty charges as authorized by law, and the cost incurred in shutting off
13 and restoring the water supply are paid.

14 (e) If a bill is not paid within 60 days after the date of sending, the bill
15 [shall] MAY be collected against the owner of the property served in the same manner
16 as other debts are collected in Montgomery County and Prince George's County.

17 (f) (1) IF A BILL IS NOT PAID WITHIN 180 DAYS AFTER THE DATE OF
18 SENDING, ALL UNPAID WATER OR SEWER CHARGES, INTEREST, AND PENALTIES
19 CONSTITUTE A LIEN, IN FAVOR OF THE COMMISSION, THAT EXTENDS TO ALL
20 PROPERTY AND RIGHTS TO PROPERTY WITHIN THE SANITARY DISTRICT
21 BELONGING TO:

22 (I) THE PERSON REQUIRED TO PAY THE CHARGES; OR

23 (II) THE FIDUCIARY ESTATE ON WHICH THE CHARGES ARE
24 IMPOSED.

25 (2) THE COMMISSION SHALL FILE A NOTICE OF A LIEN WITH THE
26 CLERK OF THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY IS
27 LOCATED.

28 (3) FROM THE DATE ON WHICH A LIEN IS FILED UNDER
29 PARAGRAPH (2) OF THIS SUBSECTION, THE LIEN HAS THE FULL FORCE AND
30 EFFECT OF A JUDGMENT LIEN.

31 (G) The provisions of subsections (b), (d), [and] (e), AND (F) of this section
32 that relate solely to sewer usage charges may not be construed to invalidate an
33 existing contract between the Commission and a municipality located in the sanitary
34 district without the consent of the municipality.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.